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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,883	12/21/2001	Lee Macklin	10011296-1	3225

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EXAMINER

NGUYEN, VAN H

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/027,883	Applicant(s) MACKLIN, LEE	
	Examiner VAN H NGUYEN	Art Unit 2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/21/01</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This Office Action is in response to the application filed on December 21, 2001.
2. Claims 1-20 are currently presented in this application. Claims 1, 9, 15, and 16 are independent claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms lack antecedent basis:

- (i) "the method" (claim 15, line 1)
- (ii) "said conversion information" (claim 15, line 1)
- (iii) "said first monetary unit" (claim 15, line 2)
- (iv) "said second monetary unit" (claim 15, line 2)
- (v) "said calculation module" (claim 15, lines 2-3)
- (vi) "said monetary amount" (claim 15, line 3)

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 9-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

(ii) As to claim 9, the claim reads on a mental process or the manipulation of an abstract idea. The claim limitations are not explicitly directed toward steps being implemented on a computer, computer readable medium, or other statutory device. As such, they could be carried out mentally in conjunction with pen and paper. The claimed steps do not define a machine or computer implemented process (see MPEP 2106). Therefore, the claimed invention is directed to non-statutory subject matter. (The Examiner suggest Applicant to change “a method of converting” to “a computer implemented method for converting” in the preamble to overcome the outstanding 35 U.S.C. 101 rejection.

(i) As to claim 15, the language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter

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under 35 USC § 101. Additionally, claim 15 recites “the method”, but there is no step(s) in the claim. Therefore, claim 15 is not statutory.

- (iii) As to claim 16, the claim recites a system in the preamble only, the body of the claim merely contains programming steps. Therefore, the claim is a program per se and is not tangibly embodied and therefore not a “system”.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by **Heinzle et al.** (US 6,199,046 B1).

9. **As to claim 15:**

Heinzle teaches the invention as claimed including the method of converting (*e.g., a real time currency conversion; see the title/a currency converter; see the abstract, line 1*)

wherein the conversion information includes an exchange rate (*e.g., the exchange rate information data; col.17, lines 20-23*) from the first monetary unit (*e.g., the default*

currency; col.17, lines 20-23) to the second monetary unit (*e.g., the user's selected*

currency; col.17, lines 20-23) and the calculation module (*e.g., conversion calculations;*

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col.17, lines 32-35) is configured to multiply the monetary amount associated with the first monetary unit by the exchange rate to provide the monetary amount associated with the second monetary unit (*e.g., Float fconverted = new float(fDefaultAmount * fRatio; col.67, lines 21-24*).

10. **As to claim 9:**

Heinzle teaches the invention as claimed including a method of converting (*e.g., a real time currency conversion; see the title/a currency converter; see the abstract, line 1*) between a first (*e.g., the default currency; col.17, lines 20-23*) and a second monetary unit (*e.g., the user's selected currency; col.17, lines 20-23*) comprising the steps of:

- a. accepting first (*e.g., the default currency; col.17, lines 20-23 and col.74, lines 46-53*) and second (*e.g., the user's selected currency; col.17, lines 20-23 and col.74, lines 46-53*) monetary units and a monetary amount (*e.g., fDefaultAmount; col.67, lines 23-24*) associated with the first monetary unit from an application program (*e.g., a World Wide Web browser; col.74, lines 34-54*);
- b. retrieving conversion information from the first monetary unit to the second monetary unit (*e.g., retrieves the latest exchange rate information from the source of exchange rate information; col.21, lines 4-10*) through a communications interface (*e.g., retrieved utilizing a network data transfer protocol; col.21, lines 4-10*);
- c. converting the monetary amount associated with the first monetary unit to a corresponding monetary amount associated with the second monetary unit based on the conversion information (*e.g., the exchange rate information data consists*

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of the information needed by the price display objects to convert the prices from the default currency to the user's selected currency...all conversion calculations need only use exchange rate information detailing prevailing exchange rates to or from the nominated default currency or currencies; col.17, lines 2-35/to Calculate the converted Value multiply the Rate Ratio by the Original value; col.67, lines 21-24); and

- d. providing the monetary amount associated with the second monetary unit to the application program (*e.g., a World Wide Web browser to...display the price or prices in the user's selected currency; col.74, lines 46-53*).

11. As to claim 10:

Heinzle teaches a dynamic link library (*e.g., ADSURAEXCHANGEVIEW.DLL; col.29, line 25*).

12. As to claim 11:

Heinzle teaches communicating with a remote server (*e.g., a Hypertext Transfer Protocol (HTTP) server; col.4, lines 57-63 and col.74, lines 2-10*).

13. As to claim 12:

Heinzle teaches executing a web browser (*e.g., a World Wide Web browser; col.74, lines 34-35*).

14. As to claim 13:

Heinzle teaches communicating with a remote web server (*e.g., a Hypertext Transfer Protocol (HTTP) server; col.4, lines 57-63 and col.74, lines 2-10*) using hypertext

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transfer protocol (*e.g., transmitted using Hypertext Transfer Protocol; col.74, lines 54-57*).

15. **As to claim 14:**

Heinzle teaches the first monetary unit is United States dollars and the second monetary unit is a foreign currency (*e.g., conversions to or from the US dollar; col.12, lines 57-65*).

16. **As to claims 1-6:**

Note the rejection of claims 9-14 above. Claims 1-6 are the same as claims 9-14, except claims 1-6 are computer readable media claims and claims 9-14 are method claims.

17. **As to claim 7:**

Heinzle teaches the conversion information includes an exchange rate (*e.g., the exchange rate information data; col.17, lines 20-23*) from the first monetary unit (*e.g., the default currency; col.17, lines 20-23*) to the second monetary unit (*e.g., the user's selected currency; col.17, lines 20-23*) and the calculation module (*e.g., conversion calculations; col.17, lines 32-35*) is configured to multiply the monetary amount associated with the first monetary unit by the exchange rate to provide the monetary amount associated with the second monetary unit (*e.g., $\text{Float } f\text{converted} = \text{new float}(f\text{DefaultAmount} * f\text{Ratio}; \text{col.67, lines 21-24}$*).

18. **As to claim 8:**

Heinzle teaches a web client (*e.g., a World Wide Web browser to retrieve the appropriate exchange rate information; col.74, lines 46-53*) configured to obtain the conversion information from a remote server (*e.g., a Hypertext Transfer Protocol (HTTP) server; col.74, lines 2-10*).

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19. **As to claims 16-20:**

Note the rejection of claims 9-13 above. Claims 16-20 are the same as claims 9-13, except claims 16-20 are system claims and claims 9-13 are method claims.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Johnson (U.S. 6477510) teaches "Euro booking currency conversion method."
- Boesch et al. (U.S. 6205433) teaches "System and method for multi-currency transactions."
- Kokkila (U.S. 6065673) teaches "Method and apparatus for performing currency conversions."
- Vandebelt et al. (U.S. 5969974) teaches "Currency converter."
- Richard (U.S. 5077804) teaches "a method for at least partially automatically converting monetary amounts in a document from one currency to a second currency."
- Morita et al. (U.S. 4926368) teaches "Electronic apparatus with currency conversion function ."
- El-Yaniv et al. "Competitive analysis of financial games" 1992 IEEE, pp. 327-333.

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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.
22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756.
23. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for patents

P O Box 1450

Alexandria, VA 22313-1450

11/27/04



Van H. Nguyen